



PATENT

Attorney Docket No. INVIT1140-3

AF  
Fry

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fernandez et al. Art Unit: 1652  
Application No.: 10/003,021 Examiner: Christian L. Fronda  
Filed: November 14, 2001 Conf. No. 2174  
Title: LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL SHEET**

Sir:

Transmitted herewith for the above-identified application please find:

- (1) Notice of Appeal (2 pages);
- (2) Check. No. 578294 in the amount of \$500.00; and
- (3) Return Receipt Postcard.

Check No. 578294 in the amount of \$500.00 is enclosed for the extension fee. However, the Commissioner is hereby authorized to charge any other fees that may be required by this paper to Deposit Account No. 07-1896. A duplicate copy of this Transmittal Letter is attached.

Respectfully submitted,

Lisa A. Haile, J.D., Ph.D.,  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

Date: June 28, 2005

DLA PIPER RUDNICK GRAY CARY US LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO Customer No. 28213

## CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on June 28, 2005, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Stephanie Sharrett

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:  
INVIT1140-3



In re Application of:  
Fernandez, et al.

Application No:  
10/003,021

Filed:  
November 14, 2001

For: LIBRARIES OF EXPRESSIBLE GENE  
SEQUENCES

Group Art Unit: 1652

Examiner: C. Fronda

Applicants hereby appeal to the Board of Appeals from the decision dated December 30, 2004 of the Examiner rejecting claims 41-58.

1.	<input checked="" type="checkbox"/>	Appeal Fee (37 C.F.R. 1.17(b))	
	<input checked="" type="checkbox"/>	other than small entity	\$500.00
		small entity	\$250.00

2.		A petition and fee for an extension of time for reply to the rejection is attached.					
		Extension Fee (37 C.F.R. 1.17(a))					
		Other than small entity					
		\$120.00		\$450.00		\$1020.00	\$1,590.00
		Small entity					
		\$60.00		\$225.00		\$510.00	\$795.00

07/05/2005 WABDELRI 00000009 10003021

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500.00 OP

Applicants:

Fernandez, et al.

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Atty. Docket No.: INVIT1140-3

3.	<input checked="" type="checkbox"/>	Enclosed is check number 578294 in the amount of \$500.00 for the Notice of Appeal fee. The Commissioner may charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 07-1896.
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June 28, 2005

Date

Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

**USPTO Customer Number 28213**

DLA PIPER RUDNICK GRAY CARY US LLP

4365 Executive Drive, Suite 1100

San Diego, California 92121-2189

**CERTIFICATION UNDER 37 CFR 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, June 28, 2005, addressed to: Box AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephanie Sharrett

(Name of person mailing paper)

Signature

June 28, 2005

Date